

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNION FENOSA GAS, S.A.,

Petitioner,

-v-

THE DEPOSITORY TRUST COMPANY,

Respondent,

-v-

ARAB REPUBLIC OF EGYPT,

Movant.

20 Misc. 188 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

Petitioner Union Fenosa Gas, S.A. (“UFG”) initiated this matter as an *ex parte* petition for judicial assistance pursuant to 28 U.S.C. § 1782. UFG has obtained a \$2 billion arbitral award against Egypt from a tribunal constituted under the Agreement on the Reciprocal Promotion and Protection of Investments between the Kingdom of Spain and the Arab Republic of Egypt and the Convention on the Settlement of Investment Disputes between States and Nationals of Other States. UFG contends that Egypt has “refused to comply with the Award voluntarily.” Dkt. 2 at 4.

On April 8, 2020, UFG filed its *ex parte* petition, Dkt. 1. On April 13, 2020, the Court granted UFG’s *ex parte* petition. Dkt. 8. On April 29, 2020, Egypt filed a motion to quash two subpoenas—one for documents, the other for deposition testimony—issued by the Court pursuant to that petition. *See* Dkt. 1-2; Dkt. 10. On May 13, 2020, Egypt filed a reply. Dkt. 21. On May 29, 2021, the Court issued in order, sustaining, in pruned form to eliminate needlessly burdensome demands, the subpoena for documents, and granting Egypt’s motion to quash the subpoena for deposition testimony. Dkt. 22.

On June 29, 2020, Egypt appealed the Court's order denying in part its motion to quash the subpoenas. Dkt. 23. On February 2, 2021, the Second Circuit noted that Egypt moved for the Circuit to vacate, as moot, the district court order and to remand with instructions that the district court dismiss the case. Dkt. 24. The Circuit also noted that Egypt stated that Appellee Union Fenosa Gas, S.A. consented to that relief. *Id.* And the Circuit granted Egypt's motion, vacating this Court's order and remanding with instructions to dismiss the case as moot. *Id.* Accordingly, this Court dismisses the case as moot.

SO ORDERED.


Paul A. Engelmayer
United States District Judge

Dated: February 3, 2021
New York, New York